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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,612	02/27/2002	Jurgen Sienel	Q68455	3431

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EXAMINER
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HAN, QI

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

10/069,612

Applicant(s)

SIENEL ET AL.

Examiner

Qi Han

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other:

## **DETAILED ACTION**

### ***U.S.C. National Stage Application***

1. Acknowledgement is made of the indication that the present application is filed under 35 U.S.C. 371, of the indication that the required form PCT/DO/ED/903 is present, and of the use of transmittal form PCT/DO/EO/1390. Thus, the present application is being treated as a filing under 35 U.S.C. 371.

### ***Information Disclosure Statement***

2. The references listed in the Information Disclosure Statement submitted on 02/27/2000 have been considered by the examiner (see attached PTO-1449).

### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

4. The disclosure is objected to because of the following informalities:

a) the title "Telecommunication, system, and speech recognizer, and terminal, and method" of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

b) the specification lacks the associated headings for each section. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

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*Arrangement of the Specification*

The disclosure is objected to because the specification lacks corresponded headings for each section. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

c) the word "characterised", on page 1, line 20 and other place in the application, appears to be "characterized". Appropriate correction is required.

*Drawings*

5. The drawings are objected to because of the following informalities:
- a) it appears to miss text label for each functional box with associated referenced number.
  - b) it appears to lack specific functionality for boxes 34-36 so those boxes should be removed from the drawing.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

6. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Barzegar et al. (USPN 6,363,079) hereinafter referenced as Barzegar.

Regarding **claim 1**, Barzegar discloses a multifunction interface facility connecting wideband multiple access subscriber loops with various networks. Barzegar's disclosure comprises:

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a) a telecommunication interface of the intelligent services director (ISD) 22 (Fig. 1) at user side, for collecting different customer premise equipment (CPE) 10 and coupling a twisted-pair wire 30 to a central office 34 (column 5, lines 3-5) at network side,

b) a network server platform (NSP) 36 (Figs. 1 and 4B) configured to provide various services, providing a voice/call processor 186 (Fig. 4) that handles many functions including voice recognition functions (equivalent to speech recognizer) for spoken commands input from any of the ISD connected devices (column 10, lines 25-44),

c) a facilities management platform (FMP) 32 (Fig. 1) providing a detector for detecting call signaling data from user side via ISD 22 and providing direct mechanism for handling signaling data (column 10, lines 46-66 and column 13, lines 3-8),

d) a request/response signaling dialog mechanism between user and network via ISD 22 (Fig. 1), FMP 32, and NSP 36 providing priority bandwidth allocation and bandwidth on demand application (column 13, lines 9-45), and further providing a client/server type of service for adjusting, updating and reinitiating demands by using applets applications (column 6, lines 16-39),

e) a voice-activated call process providing the interaction between the NSP 36 (Fig. 1) and the FMP 32 (column 14, lines 61-65) and providing voice dialing service (column 15, lines 1-33),

which corresponds to the claimed "telecommunication system comprising a terminal coupled to a network comprising a speech recognizer for vocal commanding, characterized in that said telecommunication system comprises a deflector for detecting an indication signal and

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comprises an adjustor for in dependence of said indication signal adjusting a capacity parameter for said vocal commanding.”

Regarding **claim 2**, Barzegar discloses everything claimed, as applied above (see claim 1). Particularly, Barzegar discloses a request/response signaling dialog mechanism between user and network via ISD 22 (Fig. 1), FMP 32, and NSP 36, for bandwidth on demand application (column 13, lines 9-45), and a client/server type of service for adjusting, updating and reinitiating demands by using applets applications (column 6, 16-39), which corresponds to the claimed “said adjustor in dependence of a network signal further adjusts said capacity parameter.”

Regarding **claim 3**, Barzegar discloses everything claimed, as applied above (see claim 1). Barzegar further discloses a voice dialing scenario in that on use side, a subscriber picks up the telephone and if no digits have been dialed after a specified period of time has elapsed, the ISD 22 (Fig. 1) may start digitizing the voice information into data and the voice samples are then stored in a wave file, which is subsequently transmitted to the FMP 32; on network side, the FMP 32 will forward the received information the NSP 36 and the NSP 36 will attempt to authenticate the request, determine the identity of the subscriber by looking at the address, interpret the information in the wave files and take the appropriate action (column 15, lines 2-15), which corresponds to the claimed “said terminal comprises a preprocessing unit for preprocessing signals, with said network comprising a final processing unit for final processing said preprocessed signal.” Moreover, Barzegar discloses a client/server approach in that he customer premise equipment 10 may individually or collectively serve as a local network computer at the customer site and applets may be downloaded from the NSP 36 into some or all

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of the individual devices within the customer premise equipment 10, where applets are provided by the NSP 36, and certain applets may be resident on any of the CPE 10 (column 6, lines 19-30), which opens variety of interactive communications and actions between users and networks.

Regarding **claim 4**, it discloses a “speech recognizer for use in a telecommunication system”, which corresponds to the claim 1. The rejection is based on the same reason as the claim 1, because it is inherent in that it simply provides the same structure and functionality found in claim 1.

Regarding **claim 5**, Barzegar discloses everything claimed, as applied above (see claim 4). In addition, the rejection is based on the same reason as the claim 2, because it is inherent in that it simply provides the same structure and functionality found in claim 2.

Regarding **claim 6**, Barzegar discloses everything claimed, as applied above (see claim 5). In addition, the rejection is based on the same reason as the claim 3, because it is inherent in that it simply provides the same structure and functionality found in claim 3.

Regarding **claims 7-9**, they disclose a “terminal for use in a telecommunication system”, which correspond to the claims 1-3 respectively. The rejection is based on the same reason as the claims 1-3 respectively, because it is inherent in that it simply provides the same structure and functionality found in claims 1-3 respectively.

Regarding **claim 10**, it discloses a method, which corresponds to the apparatus of claim 1; the method is inherent in that it simply provides functionality for the structure found in claim 1.



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*Conclusion*

7. Any response to this office action should be mailed to:  
Commissioner of Patents and Trademarks, Washington D.C. 20231  
or faxed to:  
(703)-872-9314  
Hand-delivered responses should be brought to:  
Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qi Han whose telephone numbers is (703) 305-5631. The examiner can normally be reached on Monday through Thursday from 8:00 a.m. to 5:30 p.m. and Friday from 8:00 a.m. to 12:00 a.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached on (703) 305-4379.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

QH/qh  
September 4, 2002

*Marsha D Banks-Harold*  
MARSHA D. BANKS-HAROLD  
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